

## **REMARKS**

Applicant respectfully requests reconsideration of this application in light of the amendments and remarks made herein. Applicant amended the title herein in response to the Examiner's request. Furthermore, Applicant is voluntarily submitting on even date, with the Examiner's permission, certain minor amendments to the specification and figures (in response to the Examiner's request to review the application for any errors and to address the Examiner's objections to the drawings) in the form of a SUPPLEMENTAL AMENDMENT. No new matter is added by virtue of any of these amendments.

Claim 1 is amended herein to include the limitations of claim 17. Claims 2, 4, 5, 15 and 23 are canceled without prejudice. Applicant has made minor amendments herein to claims 3, 6-14 and 16-22 to voluntarily correct certain instances of antecedent basis errors and clarify the claimed invention. New claims 24-28 are presented for examination.

In brief, the present claimed invention is directed to an entry/exit port data cartridge magazine for use in a data cartridge library. The data cartridge magazine comprises a box structure with an interior space for accommodating a plurality of data cartridges. The box structure's interior space is defined by interior surfaces comprised by a bottom wall and closed-loop side wall. Data cartridges can be inserted into and extracted from the interior space of the magazine through a top opening in the interior space defined by a terminal edge of the side wall. The terminal edge of the side wall is the edge that extends from the bottom wall from where the side wall is attached. The magazine further comprises a plurality of partitioning structures for dividing the interior space into a plurality of slots each capable of accommodating a data cartridge. The magazine is capable of being moved within the library via a moveable entry/exit port guide structure associated with the library. The magazine is adapted to be disengageably mounted to the entry/exit port guide structure via at least a pair of external flanges associated with the magazine.

### **Drawing Objections**

The drawings are objected to under 37 CFR §1.83(a) for purportedly failing to

show every feature of the claimed invention. Specifically, the Examiner contends that "asymmetry of the mounting flanges must be better shown or the feature(s) canceled from the claim(s)."

Dependent claims 2-5 are directed specifically to the asymmetric mounting flanges. Claims 2, 4 and 5 have been canceled obviating this objection. Claim 3 has been amended to remove this feature. Applicant may pursue the subject matter of the canceled claims in this or other related applications.

The drawings are also objected to because "the line quality of many of the figures are bad, making some details difficult to see" and because "[a]lso, some of the reference characters and lead lines are hard to read and/or poorly drawn." Replacement drawing sheets, and sheets containing the immediate prior version of the sheets, are submitted in the Supplemental Amendment filed on even date with this Office Action Response.

#### **Specification**

The title of the invention is objected to for failing to be adequately descriptive. A new title is submitted herein that is more clearly indicative of the invention to which the claims are directed.

#### **Rejections Under 35 U.S.C. § 112**

Claims 3-5 are rejected under 35 U.S.C. § 112, second paragraph, as being purportedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner contends that claims 3 and 4 "set forth that the flanges extend parallel to the bottom surface but the figures depict flanges that would be considered to have a main longitudinal axis perpendicular to the bottom surface."

Claim 3 is amended herein to replace the word "parallel" with "perpendicular," which is supported, for example, by FIGS. 7A-C, 7E and 7F and paragraph [0070] of the specification. Claims 4 and 5 have been canceled without prejudice obviating this rejection with respect to those claims. Applicant may pursue the subject matter of the canceled claims in this or other related applications.

**Rejections Under 35 U.S.C. § 102**

1. Claims 1, 2, 15, 16 and 23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,466,396 to Egan et al (hereinafter referred to as "Egan").

Claim 1 is amended herein to include subject matter that already has been found allowable in claim 17, specifically a stacking structure, and thus is allowable. Applicant's amendment of claim 1 should not be taken as acquiescence to the rejection of claim 1. Applicant also respectfully notes that Egan lacks this stacking structure.

Claims 15 and 16 each depend from allowable claim 1 and are therefore also are believed allowable.

Claims 2 and 23 are canceled without prejudice, obviating the rejection. Applicant may pursue the subject matter of the canceled claims in this or other related applications.

2. Claims 1, 3-5 and 23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,264,974 to Campbell et al (hereinafter referred to as "Campbell").

As previously discussed, claim 1 is amended herein to include subject matter that already has been found allowable in claim 17, specifically a stacking structure, and thus is allowable. Campbell also fails to describe the claimed stacking structure. Claim 3 depends from amended claim 1 and is therefore also believed allowable.

Claims 4, 5 and 23 are canceled without prejudice thus obviating the rejection. Applicant may pursue the subject matter of the canceled claims in this or other related applications.

**Rejections Under 35 U.S.C. § 103**

Claim 6-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Egan or Campbell in view of Baca et al U.S. Patent No. 5,898,593 (hereinafter referred to as "Baca").

Claims 6-14 depend directly or indirectly from amended claim 1 which, as

explained above, is allowable over both Egan and Campbell. The addition of Baca does not cure the deficiencies of either Egan or Campbell, since Baca also fails to teach or suggest, for example, a stacking structure as recited in claim 1. For these reasons, Applicant respectfully submits that claims 6-14 are also allowable.

### **Claim Objections**

According to the Office Action, claims 17-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Dependent claims 17-22 depend from independent amended claim 1 which, as described above, has been amended to recite subject matter (e.g., stacking structure) that already has been found allowable in connection with claim 17. As such, claims 17-22 are believed allowable as being dependent on an allowable base claim (i.e., claim 1).

### **New Claims Presented Herein**

New claim 24 features a data cartridge magazine with “a frame comprising an exterior surface that defines an interior space... at least at least a pair of flanges extending from said frame in said exterior space capable of interacting with a pair of engaging structures comprised by said moveable entry/exit port guide to disengageably mount said magazine to said entry/exit port guide.” These features are recited in original claim 1 and disclosed in the specification at, for example, paragraphs [0055] – [0072] and shown in FIGS. 6A-6C, 7A-7C, 7E and 7F. None of the prior art of record, including Egan and Campbell, appears to describe, teach, or suggest the invention of new claim 24, and thus this claim is allowable.

New claims 25 and 26 depend from claim 24 and respectively feature a top cover and stacking structure. None of the prior art of record, including Egan and Campbell, appears to describe, teach, or suggest the invention of claims 25 and 26, and thus Applicant submits that claims 25 and 26 are allowable.

New claim 27 features a data cartridge magazine with “at least a pair of flange structures that extend substantially from said terminal edge in a direction towards said

base surface and a distance partially to said base surface adapted to engage a pair of accommodating structures associated with a moveable entry/exit port guide structure for disengageably mounting said magazine to said guide structure wherein said guide structure is capable of moving into and out of a data cartridge library through an entry/exit port.” These features are recited in original claim 1 and disclosed in the specification at, for example, paragraphs [0055] – [0072] and shown in FIGS. 6A-6C, 7A-7C, 7E and 7F. None of the prior art of record, including Egan and Campbell, appears to describe, teach, or suggest the invention of new claim 27, and thus this claim is allowable.

New claim 28 depends from claim 27 and features engagement surfaces associated with the flanges that are parallel to the base. None of the prior art of record, including Egan and Campbell, appears to describe, teach, or suggest the invention of claims 28, and thus Applicant respectfully submits that claim 28 is allowable.

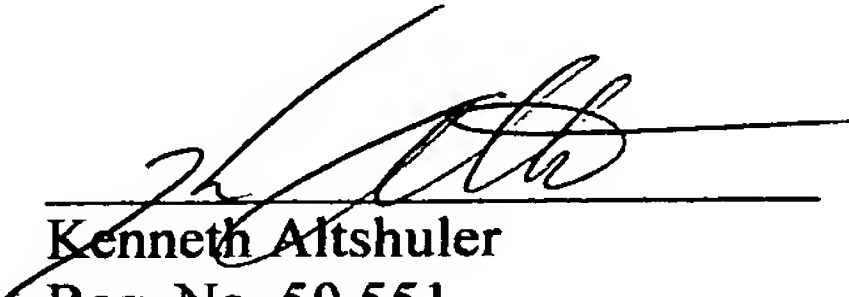
Authorization To Charge Necessary Fees

While no fee is believed due with this submission, the Commissioner is hereby authorized to charge any necessary fees associated with this submission, or credit any overpayment, to Deposit Account No. 50-0289.

Respectfully submitted,

Dated: \_\_\_\_\_

2/6/06

  
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